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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,037	03/19/2001	Ian E. Smith	D/A0458	9334

23910 7590 06/26/2007  
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EXAMINER	
PARDO, THUY N	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
06/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/812,037

Applicant(s)

SMITH ET AL.

Examiner

Thuy N. Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/5/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-14,16-18,20-22,24-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12-14,16-18,20-22,24-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 05, 2007 has been entered.

2. This communication is responsive to the Amendment filed on June 05, 2007. Claims 1, 2, 4-7, 9, 10, 12-14, 16-18, 20-22, 24-28 and 30-33 are pending in this application. Claims 1, 9, 17 and 25 are independent claims. Claims 1, 9, 17, 25 and 30-33 are amended, and claims 3, 8, 11, 15, 19, 23 and 29 are canceled. This action is Non-Final.

### ***Claim Objections***

3. Claims 10, 12-14 and 16 are objected to because of the following informalities: these claims are further limiting to independent claim 9, therefore, the limitation of "An article of manufacture" found in dependent claims 10, 12-14 and 16 should be replaced by the limitation of "The article of manufacture". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Regarding claims 6, 7, 14, 16, 18, 22, 24, 27, the phrase "may be" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "may be"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-7, 9-10, 12-14, 16-18, 20-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,101,506 to Ukai et al. in view of U.S. Patent No. 5,894,333 to Kanda et al.

Referring to claim 1, Ukai discloses a system and method for organizing a plurality of objects substantially as claimed. See Figures 1-10 and the corresponding portions of Ukai's specification for this disclosure (Refer also to Ukai's claims 1-5). In particular, Ukai teaches a method of organizing a plurality of objects [files], comprising the steps of:

receiving user selections of multiple objects [files: See Figures 8-10] from the plurality of objects [Also see column 2, lines 9-55];

creating [See Figures 8-10] a group [file-case: 'file group' or 'group of files'] from the multiple objects [Also see column 2, lines 9-55];

designating [Step 1055 (See column 8, lines 11-29; column 2, line 21 – column 3, line 8; and column 23, lines 24-38)] a representative [representative image (116) on file-case door (113)] of the group [example: Hitachi Catalog]; and

displaying [See Figures 1-2, 7 and 9] the representative of the group.

Ukai does not explicitly disclose that returning the representative object of any group of which the particular object is a member if any of the objects of the group meet a search parameter” as claimed. However, Ukai does include a search interface [See Figs. 20-21] where objects of the group meeting a search parameter are returned and displayed.

Kanda discloses an object grouping system and method similar to that of Ukai wherein multiple objects [e.g. images / frames] are grouped [into a “motion image” (e.g. MPEP)], at least one object is designated as a representative of the group [See 122], and wherein the objects of the group are treated as a single object [based on the representative image] such that when a search is performed [See Abstract, Summary & Fig. 1] on the plurality of objects the representative will be returned [representative image is displayed (See Figs. 1, 6 & 14)] if any of the objects of the group meet a search parameter [representative image(s) displayed if any image in the movie/scene meets a search parameter] as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Kanda's search result methodology (displaying the representative if any object in the group matches a search parameter) to Ukai's user-specified grouping methodologies to obtain the invention as claimed. One would have been motivated to do so in order to provide a

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more concise, yet still accurate, visual representation of search results (as disclosed by Kanda) such that the user is given a smaller result set of representative objects instead of being assaulted with a large result set of every matching object.

Referring to claim 2, the system and method of Ukai in view of Kanda as applied to claim 1 (hereinafter “Ukai/Kanda”) discloses the method as claimed. See Ukai’s Background and Summary of the Invention sections, as well as Figures 1-4 and the corresponding portions of Ukai’s specification for this disclosure. In the broadest reasonable interpretation of the claim, Ukai (as modified by Kanda) teaches that “an object [a particular photograph (file) for example (See column 1, lines 36-46)] may be part of more than one group [may be in both a catalog and an album, or even in two different catalogs for example (See Figures 1-4)]” as claimed. In a more specific interpretation of the claim, Ukai (as modified by Kanda) teaches that “an object [Hitachi Catalog Vol. 3] may be part of [linked into (35)] more than one group [Hitachi Catalog and Hitachi Catalog 2]” as claimed. See Figure 4 and the corresponding portion of Ukai’s specification for this disclosure. Regardless of which interpretation is taken, Ukai/Kanda discloses the invention as claimed.

Referring to claim 4, Ukai/Kanda discloses the method as claimed. See Figures 1-2, 7 & 9 and the corresponding portions of Ukai’s specification for this disclosure. Ukai’s (as modified by Kanda) step of displaying the representative of the group “further includes not displaying the other objects of the group [See Figures 1 & 2: only the representative image 116 is displayed for each group 112], and indicating [by file-case knob (114)] that the object being displayed is a representative of the group [See Figures 1 & 7]” as claimed.

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Referring to claim 5, Ukai/Kanda discloses the method as claimed. See Figure 10 and the corresponding portion of Ukai's specification for this disclosure. Ukai's (as modified by Kanda) method further includes the steps of: "detecting [Step 1010] an additional object [newer version of a file]; and, adding [Steps 1015 – 1070 (remainder of method 1000)] the additional object to the group, responsive to the detecting step" as claimed.

Referring to claim 6, Ukai/Kanda discloses the method as claimed. See Figures 1 & 7 and the corresponding portions of Ukai's specification for this disclosure. In particular, Ukai (as modified by Kanda) teaches that "the objects of the group may be viewed [Figures 7B & 7C] by selecting the representative [Figure 7A]" as claimed.

Referring to claim 7, Ukai/Kanda discloses the method as claimed. See Figures 10, 15 & 17-18 and the corresponding portions of Ukai's specification for this disclosure. Refer specifically to the final step of Ukai's claim 1 where Ukai (as modified by Kanda) teaches that "the representative of the group may be changed ['when the file group is updated, changing and displaying said representative image']" as claimed.

Claim 9 is rejected on the same basis as claim 1 above. In particular, Ukai (as modified by Kanda) teaches "an article of manufacture [computer system of Fig. 1] including an information storage medium [Main Storage 50] wherein is stored information for programming a computer [Rack Managing Program 500] to perform a method of organizing a plurality of objects, the method comprising the steps of...[See claim 1 above]" as claimed.

Claim 10 is rejected on the same basis as claim 2 above, in light of the basis for claim 9. See the discussions regarding claims 2 and 9 above for the details of this disclosure.

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Claims 12-14 are rejected on the same basis as claims 4-6 respectively, in light of the basis for claim 9 above. See the discussions regarding claims 4-6 and 9 above for the details of this disclosure.

Claim 16 is rejected on the same basis as claim 7 above, in light of the basis for claim 9. See the discussions regarding claims 7 and 9 above for the details of this disclosure.

Claim 17 is rejected on the same basis as claim 1 above. In particular, Ukai (as modified by Kanda) teaches “an apparatus [See Fig. 1] for organizing a plurality of objects, comprising:

a processor [CPU 10];

a display device [Display Unit 100] in communication with the processor; and,

a processor readable storage medium [Main Storage 50] in communication with the processor, containing process readable program code [Rack Managing Program 500] for programming the apparatus to perform...[See claim 1 above]” as claimed.

Claim 18 is rejected on the same basis as claim 2 above, in light of the basis for claim 17. See the discussions regarding claims 2 and 17 above for the details of this disclosure.

Claims 20-22 are rejected on the same basis as claims 4-6 respectively, in light of the basis for claim 17 above. See the discussions regarding claims 4-6 and 17 for the details of this disclosure.

Claim 24 is rejected on the same basis as claim 7 above, in light of the basis for claim 17. See the discussions regarding claims 7 and 17 above for the details of this disclosure.

Referring to claim 25, Ukai/Kanda discloses the method of organizing a plurality of objects as claimed. See the discussion regarding claim 1 above, as well as Figures 2, 3 & 5-7 and the corresponding portions of Ukai's specification, for the details of this disclosure. Ukai (as



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modified by Kanda) teaches “a method of organizing a plurality of objects, comprising the steps of:

receiving...[See claim 1 above];

creating...[See claim 1 above];

automatically determining...[See claim 1 above];

designating...[See claim 1 above]; and

displaying the representative of the group [See claim 1 above], wherein the display [Ukai: See Figs. 2 & 7] of the representative [Ukai: 116 (e.g. Hitachi Catalog Vol. 5)] is such that it is expandable [Ukai: Steps 610-630 (also See transition from Fig. 7A to Fig. 7B or 7C) – expanded by clicking on the file case knob 114] to show all the members of the group [Ukai: 117 (See Figs. 7B & 7C)] or collapsible [Ukai: Step 640 (See Figs. 2 & 7A) – the file case 112 is ‘closed’] to show only the representative [Ukai: 116 (See Fig. 7A)]” as claimed.

Referring to claim 26, Ukai/Kanda as applied to claim 25 above discloses the method of organizing a plurality of objects as claimed. See the discussions regarding claims 1 & 25 above, as well as Figures 2, 3 & 5-7 and the corresponding portions of Ukai’s specification, for the details of this disclosure. Ukai (as modified by Kanda) teaches the method of claim 25, as above, wherein in the collapsed display [Ukai: See Figs. 2 & 7A] an indication [Ukai: 114 (also See Step 620)] of the expandability is shown [Ukai: See Figs. 2 & 7A and Steps 610-620] as claimed.

Claims 27-28 are rejected on the same basis as claims 6-7 respectively, in light of the basis for claim 25. See the discussions regarding claims 1, 6-7 and 25 above for the details of this disclosure.

1. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukai in view of Kanda as applied to claims 1, 9, 17 and 25 above, and further in view of U.S. Patent No. 6,238,106 to Rosati.

Referring to claim 30, Ukai/Kanda as applied to claim 25 above discloses designating the most recently selected object as representative by default, but also discloses designating ANY object of the group as the representative. Ukai does not explicitly disclose the determination of the plurality of selected object and the designation thereof as the representative of the group. However, Ukai's system does automatically determine the last [latest] selected object [the file that was most recently selected/accessed by the user] and designate this object as the representative of the group. See column 2, line 56 et seq. for this disclosure. Thus, Ukai's system does take into account the order of selection in the designation of the representative object, providing suggestion for automatically determining the first selected object. Further, Ukai teaches that any of the selected objects could be designated as the representative of the group. This not only provides suggestion for modifying Ukai's representative selection in different manners as a matter of design choice, but also gives explicit disclosure for "designating the first object selected during the step of selecting first and second objects" because the 'first selected object' is a member of the set of 'any of the selected objects' which can be designated as the representative.

Rosati discloses a system and method similar to that of Ukai, wherein selected objects [operating parameter display objects for a motor system] are grouped and displayed by a representative. See Figures 8-9 and the corresponding portions of Rosati's specification for this

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disclosure. Specifically, Rosati's system automatically determines the first selected object of the group, the first selected object being the object of the group that was selected by a user first; and designates the first selected object as the first displayed representative of the group. See column 7, line 5 – column 8, line 29 of Rosati's specification for this disclosure. Rosati's motivation for designating the first selected object as the first displayed representative of the group is the likelihood that the object selected first by the user is the object that is most important or relevant to the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Rosati's automatic determination of the first selected object of the group into the system and method of Ukai/Kanda, so as to automatically determine the first selected object and designate this object as the representative of the group. One would have been motivated to do so because of the suggestion provided by Ukai in using order of selection and allowing any object to be designated, and further because of Rosati's suggestion that the object selected first is likely the most important or relevant to the user in terms of the entire group.

Claims 31-33 are rejected on substantially the same basis as claim 30, in light of the basis for claims 1, 9 and 17 respectively. See the discussions regarding claims 1, 9, 17, 25 and 30 above for the details of this disclosure.

### ***Response to Arguments***

2. Applicant's arguments, see page 7, filed on June 05, 2007, with respect to the rejection(s) of claim(s) 1, 9, 17 and 25 under 35 USC § 103(a) have been fully considered but they are not persuasive.

Applicant argues that searching representative files and returning/displaying all hits, as disclosed in Ukai, is not the same as searching all objects and returning/displaying representative objects, as required by claim 1. Ukai discloses a representative image that shows title and/or version of the file, not the file itself.

Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., representative object is created by organize or group this information down to a more manageable size without deleting some information, or breaking the large list into smaller, individual lists and organize all the information within the original document in a more manageable form, see 0003 of Specification) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Kanda does describe searching for video clips by using a representative images, this search does not use "search parameters".

Examiner respectfully disagrees. Examiner believes that Kanda teaches this feature. Kanda teaches that when a search is performed on the plurality of objects, the representative will be returned if any of the objects of the group meet a search parameter as claimed. In col. 9, lines 38 to col. 10, lines 21, Kanda teaches that the user can enter a specified time requirements or different level of brightness according to preset times, or user can use characters such as "right" and "up", or symbols such as "→" and "↑" (see fig. 6, 14) in order to retrieve desired results. In short, Examiner believes the combination of Ukai and Kanda's teachings as applied to the claims above obviates each and every limitation of applicants' claims.

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1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 20, 2007

A handwritten signature in black ink, appearing to be 'Thuy Pardo', with a stylized, cursive-like script.

**THUY PARDO  
PRIMARY EXAMINER**